

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DEANA L. CLARK

Respondent.

Case No. 2007-287

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on November 9, 2007.

It is so ORDERED October 9, 2007.

  
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FOR THE BOARD OF REGISTERED NURSING

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-287

12 **DEANA L. CLARK**  
13 2458 New Statenville Highway  
14 Valdosta, Georgia 31606

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Registered Nurse License No. 595844

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
23 by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. DEANA L. CLARK (Respondent) is representing herself in this  
25 proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about March 7, 2002, the Board of Registered Nursing issued Registered Nurse License No. 595844 to DEANA L. CLARK (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-287 and will expire on September 30, 2007, unless renewed.

## JURISDICTION

4. Accusation No. 2007-287 was filed before the Board of Registered Nursing (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 20, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-287 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-287. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-287, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 595844 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding the stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt the stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for the paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered the matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 595844, issued to Respondent DEANA L. CLARK is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

1           14.     Respondent shall lose all rights and privileges as a Registered Nurse in  
2 California as of the effective date of the Board's Decision and Order.

3           15.     Respondent shall cause to be delivered to the Board both her wall and  
4 pocket license certificate on or before the effective date of the Decision and Order.

5           16.     Respondent fully understands and agrees that if she ever files an  
6 application for licensure or a petition for reinstatement in the State of California, the Board shall  
7 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations  
8 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,  
9 and all of the charges and allegations contained in Accusation No. 2007-287 shall be deemed to  
10 be true, correct and admitted by Respondent when the Board determines whether to grant or deny  
11 the petition.

12           17.     Upon reinstatement of the license, Respondent shall pay to the Board costs  
13 associated with its investigation and enforcement pursuant to Business and Professions Code  
14 section 125.3 in the amount of three hundred and forty-two dollars and fifty cents. (\$342.50).  
15 Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

16           18.     Respondent shall not apply for licensure or petition for reinstatement for  
17 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED: 7/17/07

DEANA L. CLARK (Respondent)  
Respondent

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

EDMUND G. BROWN JR., Attorney General  
of the State of California

ARTHUR D. TAGGART  
Supervising Deputy Attorney General

DOJ Matter ID: SA2006102147

**Exhibit A**  
**Accusation No. 2007-287**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART, State Bar No. 083047  
Lead Supervising Deputy Attorney General  
3 California Department of Justice  
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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-287

12 **DEANA L. CLARK**  
2458 New Statenville Highway  
13 Valdosta, Georgia 31606

**ACCUSATION**

14 Registered Nurse License No. 595844

15 Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **License History**

23 2. On or about March 7, 2002, the Board issued Registered Nurse License  
24 Number 595844 to DEANA L. CLARK ("Respondent"). The license will expire on  
25 September 30, 2007, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a



1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,  
9 expiration, surrender, or cancellation of a license shall not deprive the Board jurisdiction to  
10 proceed with a disciplinary action during the period within which the license may be renewed,  
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or licensed nurse or  
14 deny an application for a certificate or license for any of the following:

15 (a) Unprofessional conduct, . . .

16 (f) Conviction of a felony or of any offense substantially related to the  
17 qualifications, functions, and duties of a registered nurse, in which event the record of the  
conviction shall be conclusive evidence thereof.

18 7. Code section 2762 states, in pertinent part:

19 In addition to other acts constituting unprofessional conduct within the meaning  
20 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
licensed under this chapter to do any of the following:

21 (b) Use any controlled substance as defined in Division 10 (commencing with  
22 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
23 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
24 dangerous or injurious to himself or herself, any other person, or the public or the extent  
that such use impairs his or her ability to conduct with safety to the public the practice  
authorized by his or her license.

25 (c) Be convicted of a criminal offense involving the prescription,  
26 consumption, or self-administration of any of the substances described in subdivisions (a)  
27 and (b) of this section, or the possession of, or falsification of a record pertaining to, the  
substances described in subdivision (a) of this section, in which event the record of the  
conviction is conclusive evidence thereof.

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1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Convictions)**

8 9. Respondent is subject to disciplinary action under Code section 2761,  
9 subdivision (f), in that Respondent committed crimes substantially related to the qualifications,  
10 functions, and duties of a registered nurse, as follows:

11 a. On or about May 27, 2005, in the Superior Court of California, County of  
12 El Dorado, in the case entitled, *People of the State of California v. Deana L. Clark* (Super. Ct.,  
13 El Dorado County 2005, Case No. S05CRM0171), Respondent was convicted by the court on her  
14 plea of guilty of violating Vehicle Code section 23152, subdivision (b) (Driving While Having a  
15 .08% or Higher Blood Alcohol Content, with a Prior), a misdemeanor. The circumstances of the  
16 crime are that on or about January 14, 2005, Respondent did unlawfully, while having 0.08  
17 percent and more, by weight, of alcohol in her blood, drive a vehicle.

18 b. On or about September 23, 2003, in the Superior Court of California,  
19 County of Los Angeles, in the case entitled, *People of the State of California v. Deana L. Clark*  
20 (Super. Ct., Pasadena Judicial District, Los Angeles County 2003, Case No. 3PA03184),  
21 Respondent was convicted by the court on her plea of no contest of violating Vehicle Code  
22 section 23152, subdivision (a) (Driving Under the Influence of Alcohol), a misdemeanor. The  
23 circumstances of the crime are that on or about July 4, 2003, Respondent did drive a vehicle  
24 while under the influence of alcohol.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Use an Alcoholic Beverage in a Manner Dangerous or Injurious)**

27 10. Respondent is subject to disciplinary action under Code section 2761,  
28 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,

1 subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner  
2 dangerous or injurious to herself, as set forth in paragraph 9, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions Involving the Consumption of Alcohol)**


5 11. Respondent is subject to disciplinary action under Code section 2761,  
6 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
7 subdivision (c), in that Respondent was convicted of crimes involving the consumption of an  
8 alcoholic beverage, as set forth in paragraph 9, above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 595844 issued  
13 to DEANA L. CLARK;  
14 2. Ordering DEANA L. CLARK to pay the Board the reasonable costs of the  
15 investigation and enforcement of this case pursuant to Code section 125.3; and,  
16 3. Taking such other and further action as deemed necessary and proper.  
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18 DATED: 4/25/07  
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21   
22 RUTH ANN TERRY, M.P.H., R.N.  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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